

NO. 09-20-00014-CR
NO. 09-20-00015-CR
NO. 09-20-00016-CR
NO. 09-20-00017-CR
NO. 09-20-00018-CR

FILED IN
9th COURT OF APPEALS
BEAUMONT, TEXAS
7/7/2020 3:12:00 PM
CAROL ANNE HARLEY
Clerk

IN THE COURT OF APPEALS
NINTH SUPREME JUDICIAL DISTRICT
BEAUMONT, TEXAS

BRIAN RAY MIDDLETON,
Appellant

vs.

THE STATE OF TEXAS, Appellee

On Appeal from Cause Numbers CR31225 & CR31226 & CR31227
& CR34574 & CR34752
253rd Judicial District Court
of Liberty County, Texas

MOTION FOR EXTENSION OF TIME TO FILE STATE'S BRIEF

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, the State of Texas, Appellee in the above styled and numbered Causes, and moves this Court of Appeals for an extension of time in which to file Appellee's Brief, and in support of said Motion would respectfully show the Court the following:

I.

This is an appeal from multiple convictions for THEFT \geq \$1,500 < \$20,000; and, for THEFT \geq \$2,500 < \$30,000. On January 9, 2020, Appellant appeared before HON. CHAP B. CAIN, III, Presiding Judge in the 253rd Judicial District Court of Liberty County, Texas, for sentencing. At the conclusion of the sentencing hearing, the Trial Court adjudicated Appellant **GUILTY** of State Jail **THEFT** as pled in Cause Nos. CR31225 & CR31226 & CR31227. The Trial Court also found Appellant **GUILTY** of State Jail **THEFT** as pled in Cause Nos. CR34574 & CR34752. The Trial Court assessed punishment in each of the five (5) Causes at **two (2) years in a State Jail facility**. Thereafter, the Trial Court **cumulated** the sentences - - “The Court is further ordering that after you complete the sentence of two years in [CR]31225, that you then serve the sentence of two years in [CR]31226, and upon the completion of that sentence, that you serve the two years assessed in [CR]31227, and then upon completion of that sentence, that you complete the sentence in [CR]34574, and then upon the completion of that sentence, then you complete the two years in [CR]34752. So, in other words, these are consecutive sentences. I don’t see that there’s any impediment to it in [C.C.P.] **42.08**. You need to stay in the pen as long as you can so you don’t defraud other people. You have no conscience at all, it appears.” (RPTR. REC. – 73).

Appellant timely filed Notice of Appeal in each Cause. The Trial Court's Certification of Defendant's Right of Appeal in each Cause stated that this criminal case "is a plea-bargain case, and the Defendant has **NO** right of appeal as to Guilt / Innocence. The Defendant has the right of appeal as to sentencing."

II.

The State's Brief was due on June 27, 2020. The State has not previously requested an extension of time in which to file the State's Brief.

III.

The State respectfully requests a fourteen (14) day extension of time in which to file the State's Brief, and herein files the State's Brief in each Cause.

WHEREFORE, PREMISES CONSIDERED, the State respectfully requests that this HONORABLE COURT enter an ORDER extending the due date to file the State's Brief in each Cause to July 10, 2020.

Signed on this the 7th day of July, 2020.

Respectfully Submitted,

/S/ STEPHEN C. TAYLOR

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CERTIFICATE OF SERVICE

I, STEPHEN C. TAYLOR, Assistant District Attorney, Liberty County, Texas, do certify that a true and correct copy of the Motion for Extension of Time to File State's Brief has been sent by U.S. mail to TOM ABBATE, Attorney for the Appellant, on this the 7th day of July, 2020.

/S/ STEPHEN C. TAYLOR

STEPHEN C. TAYLOR

CERTIFICATE OF COMPLIANCE

I, STEPHEN C. TAYLOR, hereby certify that there are 620 words contained in this document.

/S/ STEPHEN C. TAYLOR

STEPHEN C. TAYLOR

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Kimberly Meadows on behalf of Stephen Taylor
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Associated Case Party: KAYLA HERRINGTON

| Name | BarNumber | Email | TimestampSubmitted | Status |
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| Stephen Christopher Taylor | 19723380 | steve.taylor@co.liberty.tx.us | 7/7/2020 3:12:00 PM | SENT |